

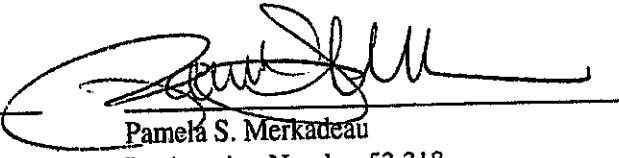
With the submission of the enclosed information, Applicant believes the duty to disclose to the Office, all information known to be material to the patentability of this reexamination proceeding, is now satisfied.

In the event any fees are required in connection with the filing of this 2nd supplemental filing, the Commissioner is hereby authorized to charge the fees associated with this filing to the Deposit Account of Manatt, Phelps & Phillips, LLP, Account No. 50-1847.

Respectfully submitted,

MANATT, PHELPS & PHILLIPS
Attorneys for Applicants

Date: 18 July 2005


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Substitute for form 1449A/PTO

ORIGINAL**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

Sheet

1

of

1

Complete if Known

Application Number	90/007,093
Filing Date	06/18/2004
First Named Inventor	Daniel J. Mendez
Art Unit	2163
Examiner Name	Alford W. Kindred
Attorney Docket Number	25587-033-005 RE

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city	T ²
	A	IntelliLink Corporation, IntelliLink for Windows Release 3.0, "User's Guide" 1994, Nashua, NH	
	B	Lotus Development Corporation, Lotus Notes Release 4, "Application Developer's Guide" 1995, Cambridge, MA	
	C	Lotus Development Corporation, Lotus Notes Release 3.3 North American Server Edition, "Lotus Notes, the Groupware Standard" 1994, Cambridge, MA	
	D	Sams Publishing, Dahl, Andrew, "Lotus Notes 4 Administrator's Survival Guide," 1996, Indianapolis, IN	
	E	Sams Publishing, Tamura, et al., "Lotus Notes 4 Unleashed," 1996, Indianapolis, IN	
	F	Advisor Publications – Lotus Notes Advisor, Pyle, Hugh, "The Notes Architecture," 1995	
	G	Advisor Publications – Lotus Notes Advisor, Augun, Audry, "Integrating Lotus Notes with Enterprise Data," 1996	
	H	Advisor Publications – Lotus Notes Advisor, Opty, Barbara and Dale, Robert, "Use the Internet as Your Lotus Notes WAN," 1996	
	I	Lotus Development Corporation, Lotus Notes Knowledge Base, "What is the Notes Replicator?" 1995, Cambridge, MA	
	J	Lotus Development Corporation, Lotus Notes Knowledge Base, "Firewall Security Overview and How Firewalls Relate to Lotus Notes" 1996, Cambridge, MA	
	K	Network Computing, Frenkel, Garry, "Pumping for Info: Notes and Database Integration," 1996	
	L	IBM Corporation, Hawker et al., "Secrets to Running Lotus Notes: The Decisions No One Tells You How to Make," 1996, Research Triangle Park, NC	
Examiner Signature		Date Considered	

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application.

Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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Application Number	90/007,093
Filing Date	06/18/2004
First Named Inventor	Daniel J. Mendez
Art Unit	2163
Examiner Name	Alford W. Kindred
Attorney Docket Number	25587-033-005 RE

NON PATENT LITERATURE DOCUMENTS

Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city	T ²
	A	IntelliLink Corporation, IntelliLink for Windows Release 3.0, "User's Guide" 1994, Nashua, NH	
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¹ Applicant's unique citation designation number (optional). ² Applicant is to place a check mark here if English language Translation is attached.

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To: USPTO
Examiner Alford W. Kindred (571) 273-0100 (571) 272-4037
Group Art Unit 2163

From: Vivian Y. Buijten for Pamela S. Merkadeau

Date: July 7, 2005

Pages including cover: 46

If you do not receive all of the pages please call (650) 812-1326 as soon as possible. Thank you.

Sender's Comments:

Re: Applicant: Visto Corporation
Patent No.: 6,085,192
Application/Control No.: 90/007,093
Filed: 06/18/2004
For: SYSTEM AND METHOD FOR SECURELY
SYNCHRONIZING MULTIPLE COPIES OF A WORKSPACE
ELEMENT IN A NETWORK
Confirmation No.: 9956
Attorney(s): Pamela S. Merkadeau,
Manatt, Phelps & Phillips, LLP
Docket No.: 25587-033-005 RE

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Examiner Alford W. Kindred
Group Art Unit 2163
July 7, 2005
Page 2

Examiner Kindred:

Since there was a question as to whether or not an Examiner's Amendment could be entered, attached is an Amendment. The Amendment is consistent with the Communication previously sent and discussed at the Interview of July 6, 2005.

We also realized you do not have a copy of the Claim Construction Order entered by the Court in Case No. 2:03-CV-333-TJW, United States District Court For the Eastern District of Texas, Marshall Division. A copy is enclosed for your consideration.

I look forward to hearing from you and receiving a Notice of Intent to Issue Certification of Reexamination in accordance with our conversation.

Kindest Regards,

Pam Merkadeau

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexamination of: 6,085,192

First Named Inventor: Daniel J. Mendez

Control No.: 90/007,093

Filed: 06/18/2004

For: SYSTEM AND METHOD FOR
 SECURELY SYNCHRONIZING
 MULTIPLE COPIES OF A
 WORKSPACE ELEMENT IN A
 NETWORK

Confirmation No.: 9956

Examiner: Alford W. Kindred

Group Art Unit: 2163

Attorney Docket No.: 25587-033-005 RE

AMENDMENT UNDER 37 CFR 1.116

Mail Stop AF
 Commissioner for Patents
 P.O. Box 1450
 Alexandria, VA 22313-1450

Sir:

The following amendments and remarks are filed under the provisions of 37 CFR 1.116 in response to the Final Office Action mailed June 13, 2005, and the Examiner Interview of July 6, 2005.

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 10 of this paper.

IN THE CLAIMS:

Claims 1, 2, 6-8, 10, 11 and 21-25 have been amended herein. Claim 19 has been cancelled without prejudice or disclaimer. Please note that all claims currently pending and under consideration in the referenced application are shown below. Please enter these claims as amended. This listing of claims will replace all prior versions and listings of claims in the application.

Listing of Claims:

1. (Currently Amended) A computer-based method comprising the steps of:

- (a) establishing a communications channel through a firewall using an HTTP port or an SSL port;
- (a) (b) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a the firewall has been modified;
- (b) (c) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store on a smart phone outside the firewall;
- (c) (d) initiating steps (a) (b) and (b) (c) from within the firewall through the communications channel when predetermined criteria have been satisfied;
- (d) (e) generating a preferred version from the first workspace element and from the copy based on the first and second examination results, wherein if only one of the first workspace element and the copy has been modified, then the step of generating includes selecting the one as the preferred version; and
- (e) (f) storing the preferred version at the first store and at the second store.

2. (Currently Amended) A computer-based method comprising the steps of:

- (a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;
- (b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;

(c) initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied;

(d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results; and

(e) storing the preferred version at the first store and at the second store;

The method of claim 1 wherein the second store is on a global server outside the firewall and which is protected by a global firewall.

3. (Original) The method of claim 1 wherein the first version information includes the date and time the first workspace element was last modified and the second version information includes the date and time the copy was last modified.

4. (Original) The method of claim 3 wherein generating the first examination results includes the step of comparing the first version information against a date and time of last synchronization.

5. (Original) The method of claim 3 wherein generating the second examination results includes the step of comparing the second version information against a date and time of last synchronization.

6. (Currently Amended) A computer-based method comprising the steps of:

(a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;

(b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;

(c) initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied;

(d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results;

(e) storing the preferred version at the first store and at the second store; and

PATENT
Serial No. 90/007,093

The method of claim 1 further comprising, before generating the first examination results, the step of updating the first version information whenever the first workspace element is modified.

7. (Currently Amended) A computer based method comprising the steps of:

- (a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;
- (b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;
- (c) initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied;
- (d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results;
- (e) storing the preferred version at the first store and at the second store; and

The method of claim 1 further comprising, before generating the second examination results, the step of updating the second version information whenever the copy is modified.

8. (Currently Amended) A computer-based method comprising the steps of:

- (a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;
- (b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;
- (c) initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied;
- (d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results;
- (e) storing the preferred version at the first store and at the second store; and

The method of claim 1 wherein if only one of the first workspace element and the copy has been modified, then the step of generating includes selecting the one as the preferred version.

9. (Original) The method of claim 1 further comprising the step of locating the first workspace element, the first version information, the copy and the second version information.

10. (Currently Amended) A system comprising:

a communications channel through a firewall comprising one of an HTTP port and an SSL port;
a general synchronization module for operating within the first firewall and for examining first version information to determine whether a first workspace element at a first store has been modified;
a synchronization agent for operating outside the first firewall and for forwarding to the general synchronization module second version information which indicates whether an independently modifiable copy of the first workspace element at a second store on a smart phone has been modified;
a synchronization-start module for operating within the first firewall and for initiating the general synchronization module and the synchronization agent when predetermined criteria have been satisfied;
means for generating a preferred version from the first workspace element and from the copy by comparing the first version information and the second version information, wherein if only one of the first workspace element and the copy has been modified, then the means for generating selects the one as the preferred version; and
means for storing the preferred version at the first store and at the second store.

11. (Currently Amended) The system of claim 10 further comprising a communications module for communicating through the first firewall, wherein the first firewall is positioned between a trusted network and the Internet.

12. (Original) The system of claim 10 wherein the synchronization agent and the second store are on a global server which is protected by a global firewall.

13. (Original) The system of claim 12 further comprising a communications module for communicating through the first firewall and through the global firewall.

PATENT
Serial No. 90/007,093

14. (Original) The system of claim 10 wherein the first version information includes the date and time the first workspace element was last modified and the second version information includes the date and time the copy was last modified.

15. (Original) The system of claim 14 wherein the general synchronization module compares the first version information against a date and time of last synchronization.

16. (Original) The system of claim 14 wherein the synchronization agent compares the second version information against the date and time of last synchronization.

17. (Original) The system of claim 10 further comprising means for updating the first version information whenever the first workspace element is modified.

18. (Original) The system of claim 10 further comprising means for updating the second version information whenever the copy is modified.

19. (Cancelled)

20. (Original) The system of claim 10 further comprising a locator module for locating the first store, the first workspace element, the first version information, the second store, the copy and the second version information.

21. (Currently Amended) A system comprising:
first means for generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;
second means for generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store on a smart phone outside the firewall;
means for updating the first version information whenever the first workspace element is modified or updating the second version information whenever the copy is modified;
means for initiating the first and second means from within the firewall when predetermined criteria have been satisfied;

means for generating a preferred version from the first workspace element and from the copy based on the first and second examination results; and means for storing the preferred version at the first store and at the second store.

22. (Currently Amended) A computer-readable storage medium storing program code for causing a computer-based system to perform the steps of:

- (a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall positioned between a trusted network and the Internet has been modified;
- (b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store on a smart phone outside the firewall;
- (c) initiating steps (a) and (b) from within the firewall through an Internet communications channel when predetermined criteria have been satisfied;
- (d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results, wherein if only one of the first workspace element and the copy has been modified, then selecting the one as the preferred version; and
- (e) storing the preferred version at the first store and at the second store.

23. (Currently Amended) A computer-based method comprising the steps of:

- (a) establishing a secure communications channel through a firewall using an HTTP port or an SSL port;
- (b) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a the firewall has been modified;
- (c) before generating the first examination results, the step of updating the first version information whenever the first workspace element is modified;
- (d) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;
- (e) initiating steps (a) (b) and (b) (d) from within the firewall when predetermined criteria

have been satisfied;

- (e) (f) determining based on the first and second examination results that both the first workspace element and the copy have been modified; and
- (e) (g) storing both the first workspace element and the copy at the first store and at the second store, wherein the second store comprises a smart phone.

24. (Currently Amended) A system comprising:

first means for generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;

second means for generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;

means for updating the first version information whenever the first workspace element is modified or updating the second version information whenever the copy is modified;

means for initiating the first and second means from within the firewall when predetermined criteria have been satisfied;

means for determining based on the first and second examination results that both the first workspace element and the copy have been modified; and

means for storing both the first workspace element and the copy at the first store and at the second store, wherein the second store comprises a smart phone.

25. (Currently Amended) A system comprising:

a global server for operating outside a firewall and including memory for storing first workspace data and corresponding first version information; and

a synchronization agent for managing the first workspace data and the corresponding first version information and for communicating with remote clients; and

means for updating the first version information whenever the first workspace element is modified;

a remote client for operating within the firewall and including memory for storing second workspace data and corresponding second version information;

PATENT
Serial No. 90/007,093

means for cooperating with the synchronization agent to synchronize the first workspace data with the second workspace data by examining the first version information and the second version information; and

a synchronization-start module for initiating workspace data synchronization between the global server and the remote client.

PATENT
Serial No. 90/007,093REMARKS

In the Final Office Action mailed June 13, 2005, the Examiner confirmed the patentability of claims 2-8 and 12-19, and rejected claims 1, 9-11 and 20-25 under 35 U.S.C. § 103(a). Applicants have amended claims 2 and 6-8 below into independent form including all the limitations of base claim 1 from which claims 2 and 6-8 originally depended.

Applicants have amended claims 1, 10, 11 and 21-25 to recite limitations which the Examiner has indicated to be allowable subject matter at the recent interview of July 7, 2005, as well as to include limitations directed to further clarifying the features of previously recited claim elements.

As discussed with the Examiner at the Interview of July 6, 2005, the above-described amendments are supported by the as-filed specification and put all claims in condition for allowance.

Applicants have amended claims 1, 10 and 22 to include the limitations directed to selecting a preferred version previously recited in claims 8 and 19 which, in combination with other elements of the claims, the Examiner has indicated as being allowable subject matter in the Final Office Action. Claim 19 has been cancelled in accordance therewith. Claims 21 and 23-25 have been amended to recite limitations directed to the concept of updating version information when a workspace element has been modified, as previously recited in claims 6, 7, 17 and 18 which, in combination with other elements of the claims, the Examiner has also indicated as being allowable subject matter.

Claims 1, 10 and 21-24 have been further amended to clarify that the previously recited second store comprises a "smart phone." Support for this amendment can be found in the originally filed specification at page 9, lines 8-10. Claims 11 and 22 have been amended to clarify that the previously recited firewall is "positioned between a trusted network and the Internet." Support for this amendment can be found in the originally filed specification at page 7, lines 5-10, and further in the originally filed specification of pending U.S. Patent Application Serial No. 08/841,950 at page 2, lines 13-16, which is incorporated by reference into the specification of the present patent. Claims 1, 10 and 23 have also been amended to recite

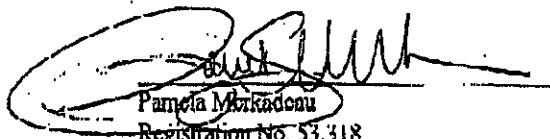
PATENT
Serial No. 90/007,093

limitations directed to the concept of a communications channel through the previously recited firewall using an HTTP port or an SSL port. Support for this amendment can be found in the originally filed specification at page 7, lines 1-10 and page 12, lines 17-21, as well as in the originally filed specification of the incorporated 08/841,950 application at page 2, line 14 – page 3, line 15 and page 22, lines 4-12.

CONCLUSION

Based on the foregoing, claims 1-18 and 20-25 are believed to be in condition for allowance, and Applicants respectfully request the case be passed to issuance.

Respectfully submitted,



Pamela Markadon
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Date: July 7, 2005

20157924

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

VISTO CORPORATION §
v. § No. 2:03-CV-333-TJW
SEVEN NETWORKS, INC. §

ORDER

E-filing

1. **Introduction.**

Visto Corporation ("Visto") asserts that Seven Networks, Inc. ("Seven") infringes various claims of four United States Patents. The parties filed briefs in support of their respective claim construction positions, and the court held a *Markman* hearing. After considering the record, the arguments of counsel, and the applicable law, the court issues this opinion to construe the claims of the various patents in suit.

2. **Description of the Technology.**

Visto asserts claims from four patents, all of which are related to data synchronization methods and systems. To understand the claim terms and the parties' disputes, an examination of the technology is helpful. The court will first discuss the '192 and the '131 patents. Then, the court will examine the '221 patent. Finally, the court will address the '708 patent.

Two of the patents, the '192 and the '131, are entitled "System and Method for Securely Synchronizing Multiple Copies of a Workspace Element in a Network." The '131 Patent is a continuation of the application which led to the issuance of the '192 patent, and the two patents have

very similar specifications. In the specifications, the Summary of the Invention states that the invention "provides a system and method for synchronizing multiple copies of a workspace element in a secure network environment." See '192 Patent, Col. 1, ll. 52-54. The secure network environment includes a global server connected to multiple clients. *Id.* at ll. 54-55. Clients using the system and method can automatically synchronize workspace data between multiple sites independent of whether the sites are protected by site firewalls. *Id.* at ll. 56-59.

According to the patents, the system includes a general synchronization module at the client site for operating within a first firewall and for examining first version information to determine whether a first workspace element has been modified. The system further includes a synchronization agent at the global server for operating outside the first firewall and for forwarding to the general synchronization module second version information which indicates whether an independently modifiable copy of the first workspace element has been modified. The system includes means for generating a preferred version from the first workspace element and from the copy by comparing the first version information and the second version information, and means for storing the preferred version at the first store and at the second store. *Id.* at ll. 60-67; Col. 2, ll. 1-15.

Figure 1 depicts an overall system and includes a remote terminal linked to a global server protected by a global firewall. The global server, in turn, is linked via a communications channel to a corporate LAN protected by a corporate firewall. One copy of workspace data, such as e-mail information, file information, and calendar information, is stored on the global server and may be modified through the remote terminal by accessing the global server. The global server stores version information which indicates the date and time that the workspace data has been modified.

Figure 3 of the patent depicts a desktop computer on the LAN, with workspace data (called

"user data" in the drawing) as well as corresponding version information. In the drawing, the version information is depicted as a component of the user data stored in memory. The computer includes a base system 190 loaded into RAM along with the operating system and the desktop service engine. Figure 4 describes the base system as including various software modules. The base system includes a communications module for communicating through the communications interface shown in Figure 3. The base system also includes a user interface module with routines for communicating with a user such as through a graphical user interface. A locator module is also a component of the base system. That module includes code for determining the location in memory of workspace elements (subsets of workspace data).

The data synchronization process is initiated by the synchronization-start module. The patents explain, through their descriptions of the preferred embodiment, that synchronization may occur at predetermined times, such as start-up, shut-down, or timed intervals. The process begins when the general synchronization module issues a request from inside the LAN to a synchronization agent on the global server outside the LAN. The synchronization agent examines version information of an independently modifiable copy of workspace data stored on the global server and forwards back to the general synchronization module inside the LAN the version information of that data determined to be modified after the last synchronization. The general synchronization module has routines for examining version information from the workspace data stored inside the LAN and comparing it to the version information forwarded by the synchronization agent to determine, ultimately, a preferred version of the data. The software has routines when then store the preferred version in memory in both locations.

To handle the situation where both the version information stored on the LAN and the

independently modifiable copy of the version information stored on the global server have been modified since the last synchronization sequence, the base system includes a content-based synchronization module. This module includes routines which may, for example, prompt the user to select a preferred version, integrate the content of both changes, or store both versions at both memory locations.

The '192 and the '131 patents refer to a global server protected by a global firewall. The global server stores an independently modifiable copy of workspace data. In the invention described in the '221 patent, a user can gain secure access from a remote terminal to a global server using any terminal coupled through a communications channel (such as the Internet) to the global server. The global server, in turn, is coupled through a communications channel to a LAN.

In the description of the preferred embodiment of the '221 patent, a remote user seeks to access a service available on the global server. The global server might provide, for example, an e-mail service accessible from a remote terminal located outside the LAN. To access the e-mail service, the remote user initiates a communications link with the global server. The server downloads a security applet to the remote terminal.¹ '221 Patent, Col. 8, ll. 47-49. The applet polls the remote user for information and responds back to the global server, which examines the response and uses the information to identify and authenticate the user. *Id.* at 50-54. Once the user is "in," so-to-speak, he or she may then securely access the services provided on the global server. Depending on the level of security clearance enjoyed by the remote user, the system also describes an optional procedure for using the global server as a proxy to access the various services.

¹ An applet is a small, self-contained program designed to be executed from within another application.

The global server incorporates a translator to aid in synchronizing multiple copies of workspace data. The patent refers to the translator as a "global translator." By using the global translator, the global server is able to store certain workspace data in a "global format" and may also determine the differences between workspace data stored on the LAN and the data stored in memory on a remote access device, such as a smart phone. Using the synchronization routines provided by software, clients on the system are able to synchronize data maintained on the remote device, the global server and the storage on the LAN.

As indicated, the global server described in the '221 patent refers to a global translator. The invention claimed by the '708 patent involves a translator used to maintain data consistency when a system synchronizes data stored in different formats at different locations. In the Background of the Invention, the inventors observe that data consistency problems may arise when using application programs from different vendors. A user who uses the Netscape Navigator browser at home, but the Internet Explorer browser at work, may have bookmarks saved in two different formats. Because the programs store the bookmarks in different formats and in different folders, the user runs the risk of having inconsistent bookmarks at each location. The invention of the '708 patent describes a global translator used to maintain data consistency when workspace data is stored in different formats.

In the preferred embodiment, workspace data may be stored in a corporate LAN in Format A. Workspace data may also be stored in Format B on a remote terminal. '708 Patent, Fig. 1, Col. 3, ll. 29-47.⁷ The remote terminal is coupled through a communications channel to a global server,

⁷ The patent makes clear also that one of skill in the art would understand that each different type of workspace data (bookmarks, emails, documents, etc.) could be maintained in a different format in each of the locations. '708 Patent, ll. 36-41.

which, in turn, is coupled through a communications channel to the LAN.

The global server maintains a copy of workspace data in a "global format," which is selected to be easily translatable by the translator to and from Format A and to and from Format B. The global translator incorporates all of the information needed by both formats (Format A and Format B) to create the global format. For example, if a bookmark in Format A needs elements X, Y, and Z, and a bookmark in Format B needs elements W, X, and Y, then the global translator incorporates all four elements (W, X, Y, and Z) to create a bookmark in the global format. In addition, the global translator incorporates into the global format of the workspace element (in this case, the bookmark) all of the information needed by the synchronization means such as the last modified date.³

As illustrated in the flowchart of Figure 7, the process begins when a user selects a workspace element of workspace data to synchronize. The locator modules determine the memory location of the workspace elements in Format A, Format B and the global format. The general synchronization modules in the base system on the LAN and on the global server determine, by comparing the last date and type of modification with the last synchronization signature, whether any workspace elements stored in either location have been modified. Working in conjunction with the base systems and synchronization modules of the remote device and the base system and synchronization module on the LAN, the global translator is able to translate the updated versions into the formats used by the remote device and on the LAN. The system then stores the updated information at both locations, as well as in the global format on the global server. By doing so, the

Thus, as illustrated in Figure 6 of the patent, a bookmark in the global format includes a user identification, an entry ID, a parent ID, a folder ID flag, a name, a description, the Uniform Resource Locator, the position, a deleted ID flag, a last modified date, a created date, and a separation ID flag.

invention described by the '708 patent maintains data consistency when synchronizing multiple versions of workspace data maintained in different locations in different formats.

3. Legal Principles Applicable to Claim Construction.

"A claim in a patent provides the metes and bounds of the right which the patent confers on the patentee to exclude others from making, using or selling the protected invention." *Burke, Inc. v. Bruno Indep. Living Aids, Inc.*, 183 F.3d 1314, 1340 (Fed. Cir. 1999). Claim construction is an issue of law for the court to decide. *Markman v. Westview Instruments, Inc.*, 52 F.3d 967, 970-71 (Fed. Cir. 1995) (en banc), *aff'd*, 517 U.S. 370 (1996).

To ascertain the meaning of claims, the court looks to three primary sources: the claims, the specification, and the prosecution history. *Markman*, 52 F.3d at 979. Under the patent law, the specification must contain a written description of the invention that enables one of ordinary skill in the art to make and use the invention. A patent's claims must be read in view of the specification, of which they are a part. *Id.* For claim construction purposes, the description may act as a sort of dictionary, which explains the invention and may define terms used in the claims. *Id.* "One purpose for examining the specification is to determine if the patentee has limited the scope of the claims." *Watts v. XL Sys., Inc.*, 232 F.3d 877, 882 (Fed. Cir. 2000).

Nonetheless, it is the function of the claims, not the specification, to set forth the limits of the patentee's claims. Otherwise, there would be no need for claims. *SRI Int'l v. Matsushita Elec. Corp.*, 775 F.2d 1107, 1121 (Fed. Cir. 1985) (en banc). The patentee is free to be his own lexicographer, but any special definition given to a word must be clearly set forth in the specification. *Intellicall, Inc. v. Phonometrics*, 952 F.2d 1384, 1388 (Fed. Cir. 1992). And, although the specification may indicate that certain embodiments are preferred, particular embodiments

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appearing in the specification will not be read into the claims when the claim language is broader than the embodiments. *Electro Med. Sys., S.A. v. Cooper Life Sciences, Inc.*, 34 F.3d 1048, 1054 (Fed. Cir. 1994).

To assess the ordinary meaning of terms used in a patent claim, a court may properly rely on dictionary definitions. The Federal Circuit has noted that "[i]t has long been recognized in the precedent of our predecessor court, the Court of Customs and Patent Appeals, that dictionaries, encyclopedias and treatises are particularly useful resources to assist the court in determining the ordinary and customary meaning of claim terms." *Texas Digital Sys., Inc. v. Telegenix, Inc.*, 308 F.3d 1193, 1202 (Fed. Cir. 2002). The court reasoned that such sources are objective resources that serve as reliable sources of information on the established meanings that would have been attributed to the terms of the claims by those of skill in the art. *Id.* at 1202-03. According to the court, dictionaries, encyclopedias, and treatises "constitute unbiased reflections of common understanding not influenced by expert testimony or events subsequent to the fixing of the intrinsic record by the grant of the patent, not colored by the motives of the parties, and not inspired by litigation." *Id.* at 1203. Bearing these standards in mind, the court now turns to the task of construing the claims in this case.

4. Discussion:

At the outset, the addresses Seven's argument that the inventions described in the patents are limited to the context advocated in the briefs and at oral argument. Seven argues that the patents in suit contain an explicit disclaimer of systems and methods that do not use a "global server." Seven therefore urges that, despite the language of several of the claims, a global server limitation pervades every claim. According to Seven, systems not incorporating a global server are outside the reach of any of the patents. As will be demonstrated, this argument is undermined by the plain language of

the claims, when read in light of the patent specifications and the prosecution history. The most important piece of prosecution history involves the re-examination proceedings currently underway to which both parties alluded to at the *Markman* hearing. That re-examination involves the claims of the '192 patent.

In any claim construction endeavor, the court must begin with the plain language of the claims. In this case, the language of the claims counsels against Seven's attempt to read in a global server limitation because some of the independent claims expressly require a global server and others do not. In particular, the two independent claims of the '221 patent require a global server. See '221 Patent, claims 1 and 8. At the same time, none of the independent claims of the '708 patent recites the limitation of a global server, although the specification repeatedly refers to a global server. The claims of the '131 patent also do not appear to require a global server, although the specification of that patent is replete with references to an environment which incorporates a global server. Finally, as issued, certain independent claims of the '192 patent do not require the presence of a global server, e.g. claim 1, but others, such as dependent claim 2, expressly require the presence of a global server. '192 patent, claim 2 (claiming "[t]he method of claim 1 wherein the second store is on a global server outside the firewall and which is protected by a global firewall."). As a matter of claim construction law, the doctrine of claim differentiation normally suggests that limitations stated in dependent claims are not to be incorporated into independent claims from which they depend. *Karin Technology Inc. v. Surgical Dynamics, Inc.*, 177 F.3d 968, 972-73 (Fed. Cir. 1999). The language of the claims therefore cuts against Seven's argument.

Nevertheless, reading the '708 and the '131 patents in isolation, it could be argued that the statements made in the Summary of Invention portions of the patents implicitly require a global

server in all embodiments. A narrow reading of the patents might lead one to conclude that the invention provides a system and method for using a global translator *only* in a secure network environment that *must* include a global server connected to multiple clients. See '708 Patent, Col. I, ll. 59-63.¹ On the other hand, a broader reading of the patents suggests that the setting described in the patents (a secure network environment which includes a global server) is illustrative only and that the inventions described in the claims might have applications in other settings, limited only by the language of the claims. To resolve any ambiguity, the court has considered the prosecution history, including the proceedings involving the re-examination of the '192 patent. These proceedings (at least as conducted so far), coupled with the language of the claims, resolve any ambiguity.

To understand why the prosecution history relating to the reexamination proceedings involving the '192 patent is relevant, one must remember that the '192 patent and the '131 patent have very similar specifications. Dependent claim 2 of the '192 patent, as originally issued, required a global server. Several others, including independent claim 1, did not. One would therefore expect if the specification of the '131 patent reflected an intent to incorporate the implicit limitation of a global server into all of the claims, then the same might be said in the context of the '192 patent. That is not the case.

The cited portion of the patent states in full:

The present invention provides a method for using a global translator to synchronize multiple copies of a workspace element in a secure network environment. The secure network environment includes a global server connected to multiple clients.

¹'708 Patent, Col. I, ll. 59-63.

During the re-examination proceedings, the examiner recently rejected claims 1, 9-11, and 20-23 as being unpatentable over the Wright and Hawkins references. The examiner has indicated, however, that claims 2-8 and 12-19 of the '192 patent are allowable if the patentee re-writes those claims in independent form to include all of the limitations of the base claim and any intervening claims. This determination is important because dependent claim 2 is now allowable. That claim explicitly requires the limitation of a global server. At the same time, however, dependent claim 3 also claims allowable subject matter. That claim does not explicitly require a global server. Several of the other dependent claims now determined to be allowable also do not recite the limitation of a global server. See, e.g., '192 Patent, claims 4, 5, 6, 7, 8, 14, 15, 16, 17, and 18. The examiner's reasons for allowance do not indicate that the claims were allowed because they were limited to environments which included a global server.⁵ In the court's view, this determination is highly relevant to the resolution of this dispute. The re-examination history indicates that the presence of a global server is not required for patentability. The doctrine of claim differentiation indicates that the global server is not an implicit limitation in all of the claims. Under these circumstances, the court rejects Seven's argument on this issue and turns to the disputed terms of the four patents in suit.

A. Communications Channel

The parties first dispute the meaning of the term "communications channel," used in claims 1, 7, and 8 of the '708 patent. Vista proposes the term means "a path or link by which information

The examiner's reasons for allowance indicate that the prior art of record fails to teach or suggest the generation of first and second examination results and the generation of a preferred version based on the examination results combined with the comparison of the first version information against a date and time of last synchronization.

is passed between two locations. A communications channel can be a physical or wireless link." Seven suggests that the term means "a path or link by which information is passed between a remote computer terminal and a global server (i.e. second store) or between the global server and a first store within the firewall-protected corporate LAN. A communications channel may be a physical or wireless link."

The court adopts Visto's proposed definition, with slight modifications. As the parties' proposals suggest, a common area of disagreement which pervades the claim construction briefing is whether the inventors are limited to the preferred embodiments described in the specification. Seven's proposed definition, to illustrate, incorporates the limitations of a "global server" and a "firewall-protected corporate LAN." Seven thus urges that the patentee either explicitly or implicitly incorporated these requirements into the patents. The court rejects these arguments. The court defines "communications channel" to mean "a medium for transferring information. A communications channel can be a physical or wireless link."

B. Communications Module

Visto proposes that the term "communications module," as used in claim 11 of the 192 patent, means "software routines or code that perform the task of communicating." Seven urges that the term means "a computer software module having routines for compressing data and communicating with a synchronization agent on a global server." Again, Seven has incorporated the limitations of a synchronization agent and a global server into its definition of communications module despite the fact that the claim language supports a broader meaning. Seven also asserts that the inventors defined this term by implication by referring to the communications module as having routines for compressing data. Definition by implication is a tough climb. Seven has not persuaded



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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
90/007,093	06/18/2004	6085192	035754-007

Jinntung Su
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EXAMINER

ART UNIT

PAPER

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

cc: Robert E. Krebs
 P.O. Box 640640
 San Jose, CA 95164



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EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,093.

PATENT NO. 6085192.

ART UNIT 2163.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Ex-Parte Reexamination Interview Summary	Control No.	Patent Under Reexamination
	90/007,093	6085192
	Examiner Alford W. Kindred	Art Unit 2163

All participants (USPTO personnel, patent owner, patent owner's representative):

(1) Alford W. Kindred (3) _____

(2) Pam Merkadeau (4) _____

Date of Interview: 06 June 2005

Type: a) Telephonic b) Video Conference
c) Personal (copy given to: 1) patent owner 2) patent owner's representative)

Exhibit shown or demonstration conducted: d) Yes e) No.

If Yes, brief description: _____

Agreement with respect to the claims f) was reached. g) was not reached. h) N/A.

Any other agreement(s) are set forth below under "Description of the general nature of what was agreed to..."

Claim(s) discussed: 1-25.

Identification of prior art discussed: _____.

Description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Applicant's attorney (Pamela Merkadeau) proposed amending claims to incorporate the allowable subject matter into the rejected independent claims. Examiner informed Mrs. Merkadeau that the proposal will be considered but no decision has been made.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims patentable, if available, must be attached. Also, where no copy of the amendments that would render the claims patentable is available, a summary thereof must be attached.)

A FORMAL WRITTEN RESPONSE TO THE LAST OFFICE ACTION MUST INCLUDE PATENT OWNER'S STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. (See MPEP § 2281). IF A RESPONSE TO THE LAST OFFICE ACTION HAS ALREADY BEEN FILED, THEN PATENT OWNER IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO PROVIDE THE MANDATORY STATEMENT OF THE SUBSTANCE OF THE INTERVIEW (37 CFR 1.560(b)). THE REQUIREMENT FOR PATENT OWNER'S STATEMENT CAN NOT BE WAIVED. EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c).

cc: Requester (if third party requester)

Examiner's signature, if required



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Date: July 1, 2005

Pages including cover:

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proposed claim amendments for your review.

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PATENT
Serial No. 90/897,003

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re reexamination of: 6,085,192

First Named Inventor: Daniel J. Mendez

Control No.: 90/007,093

Filed: 06/18/2004

For: SYSTEM AND METHOD FOR
SECURELY SYNCHRONIZING
MULTIPLE COPIES OF A
WORKSPACE ELEMENT IN A
NETWORK

Confirmation No.: 9956

Examiner: Alford W. Kindred

Group Art Unit: 2163

Attorney Docket No.: 25587-033-005 RE

COMMUNICATION

VIA FACSIMILE AND E-MAIL
(571) 273-0100

To: Examiner Kindred
Re: Proposed amendments for discussion at examiner interview.
June 30, 2005

Sir:

In response to your request during the teleconference of June 28, 2005, included below is a listing of the claims currently under reexamination with proposed amendments for discussion at the upcoming Examiner interview.

In the Final Office Action mailed June 13, 2005, the Examiner confirmed the patentability of claims 2-8 and 12-19, and rejected claims 1, 9-11 and 20-25 under 35 U.S.C. § 103(a). Applicants have amended claims 2 and 6-8 below into independent form including all the limitations of base claim 1 from which claims 2 and 6-8 originally depended.

In order to put the remaining claims in condition for allowance, Applicants propose to amend claims 1, 10, 11 and 21-25 to recite limitations which the Examiner has indicated to be

PATENT
Serial No. 90/897,003

allowable subject matter, as well as to include limitations directed to further clarifying the features of previously recited claim elements.

Applicants have amended claims 1, 10 and 22 to include the limitations directed to selecting a preferred version previously recited in claims 8 and 19 which, in combination with other elements of the claims, the Examiner has indicated as being allowable subject matter in the Final Office Action. Claim 19 has been cancelled in accordance therewith. Claims 21 and 23-25 have been amended to recite limitations directed to the concept of updating version information when a workspace element has been modified, as previously recited in claims 6, 7, 17 and 18 which, in combination with other elements of the claims, the Examiner has also indicated as being allowable subject matter.

Claims 1, 10 and 21-24 have been further amended to clarify that the previously recited second store comprises a "smart phone." Support for this amendment can be found in the originally filed specification at page 9, lines 8-10. Claims 11 and 22 have been amended to clarify that the previously recited firewall is "positioned between a trusted network and the Internet." Support for this amendment can be found in the originally filed specification at page 7, lines 5-10, and further in the originally filed specification of pending U.S. Patent Application Serial No. 08/841,950 at page 2, lines 13-16, which is incorporated by reference into the specification of the present patent. Claims 1, 10 and 23 have also been amended to recite limitations directed to the concept of a communications channel through the previously recited firewall using an HTTP port or an SSL port. Support for this amendment can be found in the originally filed specification at page 7, lines 1-10 and page 12, lines 17-21, as well as in the originally filed specification of the incorporated 08/841,950 application at page 2, line 14 – page 3, line 15 and page 22, lines 4-12.

Based on the foregoing, Applicants believe the following claim amendments put all claims in condition for allowance:

PATENT
Serial No. 90/897,003

Listing of Claims with proposed amendments:

1. (Amended) A computer-based method comprising the steps of:

- (a) establishing a communications channel through a firewall using an HTTP port or an SSL port;
- (b) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a the firewall has been modified;
- (c) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store on a smart phone outside the firewall;
- (d) initiating steps (a) (b) and (c) from within the firewall through the communications channel when predetermined criteria have been satisfied;
- (e) generating a preferred version from the first workspace element and from the copy based on the first and second examination results, wherein if only one of the first workspace element and the copy has been modified, then the step of generating includes selecting the one as the preferred version; and
- (f) storing the preferred version at the first store and at the second store.

2. (Amended) A computer-based method comprising the steps of:

- (a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;
- (b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;
- (c) initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied;
- (d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results; and
- (e) storing the preferred version at the first store and at the second store;

The method of claim 1 wherein the second store is on a global server outside the firewall and which is protected by a global firewall.

PATENT
Serial No. 90/897,003

3. (Original) The method of claim 1 wherein the first version information includes the date and time the first workspace element was last modified and the second version information includes the date and time the copy was last modified.

4. (Original) The method of claim 3 wherein generating the first examination results includes the step of comparing the first version information against a date and time of last synchronization.

5. (Original) The method of claim 3 wherein generating the second examination results includes the step of comparing the second version information against a date and time of last synchronization.

6. (Amended) A computer-based method comprising the steps of:

- (a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;
- (b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;
- (c) initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied;
- (d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results;
- (e) storing the preferred version at the first store and at the second store; and

~~The method of claim 1 further comprising, before generating the first examination results, the step of updating the first version information whenever the first workspace element is modified.~~

PATENT
Serial No. 90/897,003

7. (Amended) A computer-based method comprising the steps of:

- (a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;
- (b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;
- (c) initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied;
- (d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results;
- (e) storing the preferred version at the first store and at the second store; and

~~The method of claim 1 further comprising, before generating the second examination results, the step of updating the second version information whenever the copy is modified.~~

8. (Amended) A computer-based method comprising the steps of:

- (a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;
- (b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;
- (c) initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied;
- (d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results;
- (e) storing the preferred version at the first store and at the second store; and

~~The method of claim 1 wherein if only one of the first workspace element and the copy has been modified, then the step of generating includes selecting the one as the preferred version.~~

9. (Original) The method of claim 1 further comprising the step of locating the first workspace element, the first version information, the copy and the second version information.

PATENT
Serial No. 90/897,003

10. (Amended) A system comprising:

a communications channel through a firewall comprising one of an HTTP port and an SSL port;
a general synchronization module for operating within a the first firewall and for examining first
version information to determine whether a first workspace element at a first store has
been modified;
a synchronization agent for operating outside the first firewall and for forwarding to the general
synchronization module second version information which indicates whether an
independently modifiable copy of the first workspace element at a second store on a smart
phone has been modified;
a synchronization-start module for operating within the first firewall and for initiating the general
synchronization module and the synchronization agent when predetermined criteria have
been satisfied;
means for generating a preferred version from the first workspace element and from the copy by
comparing the first version information and the second version information, wherein if
only one of the first workspace element and the copy has been modified, then the means
for generating selects the one as the preferred version; and
means for storing the preferred version at the first store and at the second store.

11. (Amended) The system of claim 10 further comprising a communications module for
communicating through the first firewall, wherein the first firewall is positioned between a
trusted network and the Internet.

12. (Original) The system of claim 10 wherein the synchronization agent and the second
store are on a global server which is protected by a global firewall.

13. (Original) The system of claim 12 further comprising a communications module for
communicating through the first firewall and through the global firewall.

PATENT
Serial No. 90/897,003

14. (Original) The system of claim 10 wherein the first version information includes the date and time the first workspace element was last modified and the second version information includes the date and time the copy was last modified.

15. (Original) The system of claim 14 wherein the general synchronization module compares the first version information against a date and time of last synchronization.

16. (Original) The system of claim 14 wherein the synchronization agent compares the second version information against the date and time of last synchronization.

17. (Original) The system of claim 10 further comprising means for updating the first version information whenever the first workspace element is modified.

18. (Original) The system of claim 10 further comprising means for updating the second version information whenever the copy is modified.

19. (Cancelled)

20. (Original) The system of claim 10 further comprising a locator module for locating the first store, the first workspace element, the first version information, the second store, the copy and the second version information.

21. (Amended) A system comprising:

first means for generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;

second means for generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store on a smart phone outside the firewall;

means for updating the first version information whenever the first workspace element is modified or updating the second version information whenever the copy is modified;

means for initiating the first and second means from within the firewall when predetermined criteria have been satisfied;

means for generating a preferred version from the first workspace element and from the copy

PATENT
Serial No. 90/897,003

based on the first and second examination results; and
means for storing the preferred version at the first store and at the second store.

22. (Amended) A computer-readable storage medium storing program code for causing a computer-based system to perform the steps of:

- (a) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall positioned between a trusted network and the Internet has been modified;
- (b) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store on a smart phone outside the firewall;
- (c) initiating steps (a) and (b) from within the firewall through an Internet communications channel when predetermined criteria have been satisfied;
- (d) generating a preferred version from the first workspace element and from the copy based on the first and second examination results, wherein if only one of the first workspace element and the copy has been modified, then selecting the one as the preferred version;
and
- (e) storing the preferred version at the first store and at the second store.

23. (Amended) A computer-based method comprising the steps of:

- (a) establishing a secure communications channel through a firewall using an HTTP port or an SSL port;
- (b) generating first examination results from first version information which indicates whether a first workspace element stored at a first store within the firewall has been modified;
- (c) before generating the first examination results, the step of updating the first version information whenever the first workspace element is modified;
- (d) generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;
- (e) initiating steps (b) and (d) from within the firewall when predetermined criteria have been satisfied;

PATENT
Serial No. 90/897,003

- (e) (f) determining based on the first and second examination results that both the first workspace element and the copy have been modified; and
- (e) (g) storing both the first workspace element and the copy at the first store and at the second store, wherein the second store comprises a smart phone.

24. (Amended) A system comprising:

first means for generating first examination results from first version information which indicates whether a first workspace element stored at a first store within a firewall has been modified;

second means for generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored at a second store outside the firewall;

means for updating the first version information whenever the first workspace element is modified or updating the second version information whenever the copy is modified;

means for initiating the first and second means from within the firewall when predetermined criteria have been satisfied;

means for determining based on the first and second examination results that both the first workspace element and the copy have been modified; and

means for storing both the first workspace element and the copy at the first store and at the second store, wherein the second store comprises a smart phone.

25. (Amended) A system comprising:

a global server for operating outside a firewall and including memory for storing first workspace data and corresponding first version information; and

a synchronization agent for managing the first workspace data and the corresponding first version information and for communicating with remote clients; and

means for updating the first version information whenever the first workspace element is modified;

a remote client for operating within the firewall and including memory for storing second workspace data and corresponding second version information;

means for cooperating with the synchronization agent to synchronize the first workspace data

PATENT
Serial No. 90/897,003

with the second workspace data by examining the first version information and the second version information; and
a synchronization-start module for initiating workspace data synchronization between the global server and the remote client.

PATENT
Serial No. 90/897,003

CONCLUSION

Based on the foregoing, claims 1-18 and 20-25 are believed to be in condition for allowance, and Applicants respectfully request an Examiner interview to discuss passing the case to issuance.

Respectfully submitted,



Pamela Merkadean
Registration No. 53,318
Attorney for Patent Owner(s)

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Date: July 1, 2005

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APPLICATION NO/ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
90/007,093	06/18/2004	6085192	035754-007

Jinnlung Su
 Manatt, Phelps & Phillips LLP
 1001 Page Mill Road
 Building 2
 Palo Alto, CA 94304

EXAMINER

ART UNIT PAPER

DATE MAILED: 06/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

cc: Robert E. Krebs
 P.O. Box 640640
 San Jose, CA 95164



UNITED STATES PATENT AND TRADEMARK OFFICE

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Robert E. Krebs
P.O. Box 640640
San Jose, CA 95164

EX PARTE REEXAMINATION COMMUNICATION TRANSMITTAL FORM

REEXAMINATION CONTROL NO. 90/007,093.

PATENT NO. 6085192.

ART UNIT 2163.

Enclosed is a copy of the latest communication from the United States Patent and Trademark Office in the above identified *ex parte* reexamination proceeding (37 CFR 1.550(f)).

Where this copy is supplied after the reply by requester, 37 CFR 1.535, or the time for filing a reply has passed, no submission on behalf of the *ex parte* reexamination requester will be acknowledged or considered (37 CFR 1.550(g)).

Application/Control Number: 90/007,093
Art Unit: 2163

Page 2

Reexamination

1. The IDS filed 5/13/05 has been considered. The Examiner's response, issued on 6/13/05, is maintained.

Application/Control Number: 90/007,093
Art Unit: 2163

Page 3

Conclusion

2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Alford W. Kindred
Patent Examiner
Tech Ctr. 2100

<p>Substitute for form 1449A/PTO</p> <p>COPY</p> <p>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</p>				<p>Complete If Known</p> <table border="1"> <tr> <td>Application Number</td> <td>90/007,093</td> </tr> <tr> <td>Filing Date</td> <td>06/18/2004</td> </tr> <tr> <td>First Named Inventor</td> <td>Daniel J. Mendez</td> </tr> <tr> <td>Art Unit</td> <td>2163</td> </tr> <tr> <td>Examiner Name</td> <td>Alford W. Kindred</td> </tr> <tr> <td>Attorney Docket Number</td> <td>25587-033-005 RE</td> </tr> </table>		Application Number	90/007,093	Filing Date	06/18/2004	First Named Inventor	Daniel J. Mendez	Art Unit	2163	Examiner Name	Alford W. Kindred	Attorney Docket Number	25587-033-005 RE
Application Number	90/007,093																
Filing Date	06/18/2004																
First Named Inventor	Daniel J. Mendez																
Art Unit	2163																
Examiner Name	Alford W. Kindred																
Attorney Docket Number	25587-033-005 RE																
Sheet	1	of	1														
NON PATENT LITERATURE DOCUMENTS																	
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city			T ²												
<i>Allen</i>	A	Lotus Development Corporation, InterNotes Web Publisher Release 4, "InterNotes Web Publisher Guide" 1996, Cambridge, MA															
	B	Lotus Development Corporation, Lotus Notes Release 4, "Database Manager's Guide" 1995, Cambridge, MA															
	C	Lotus Development Corporation, Lotus Notes Release 4, "Administrator's Guide" 1995, Cambridge, MA															
	D	Lotus Development Corporation, Lotus Notes Release 4, "Deployment Guide" 1995, Cambridge, MA															
	E	IBM Lotus Technical Library, Lotus Documentation, "Lotus Notes Internet Cookbook for Notes Release 3", 01/16/1996, Pages 1 - 26 http://www-12.lotus.com/ldd/doc/domino_notes/cookbook/cbookv4.nsf/e12503289bf7b3a385256															
	F	John Wiley & Sons, Inc. - Wiley Computer Publishing, Falkner, Mike, "How to Plan, Develop, and Implement Lotus Notes in Your Organization" 1996, USA4															
	G	McGraw-Hill, Lamb, John P and Lew, Peter W., "Lotus Notes Network Design for Notes Release 3 and 4", 1996, Quebecor-Fairfield, PA															
	H	Lotus Notes, "Overview - What is Lotus NotesPump?", including "Notes Pump 1.0 Release Notes"															
	J	Lotus Development Corporation, Lotus Notes Release 3.1, The groupware standard, "Site and System Planning Guide" 1994, Cambridge, MA															
	K	Lotus Development Corporation, Lotus Notes Release 3.1. The groupware standard, "Administrator's Guide Server for NetWare, OS/2, and UNIX" 1994, Cambridge, MA															
<i>Allen</i>	L	IBM Lotus Technical Library, Lotus Documentation, "Lotus Notes Internet Cookbook for Notes Release 4", Date: 02/14/1996, Pages 1 - 30 http://www-12.lotus.com/ldd/doc/domino_notes/cookbook/cbookv4.nsf/e12503289bf7b3a385256															
Examiner Signature		<i>Allen</i>	Date Considered	<i>6/27/05</i>													

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
90/007,093	06/18/2004	6085192	035754-007

Jintung Su
 Manatt, Phelps & Phillips LLP
 1001 Page Mill Road
 Building 2
 Palo Alto, CA 94304

EXAMINER

ART UNIT PAPER

DATE MAILED: 06/13/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

cc: Robert E. Krebs
 P.O. Box 640640
 San Jose, CA 95164

Office Action in Ex Parte Reexamination	Control No. 90/007,093	Patent Under Reexamination 6085192	
	Examiner Alford W. Kindred	Art Unit 2163	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

a Responsive to the communication(s) filed on 18 June 2004. b This action is made FINAL.
 c A statement under 37 CFR 1.530 has not been received from the patent owner.

A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d). EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(c). If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

Part I THE FOLLOWING ATTACHMENT(S) ARE PART OF THIS ACTION:

1. Notice of References Cited by Examiner, PTO-892.
2. Information Disclosure Statement, PTO-1449.
3. Interview Summary, PTO-474.
4. _____

Part II SUMMARY OF ACTION

- 1a. Claims 1-25 are subject to reexamination.
- 1b. Claims _____ are not subject to reexamination.
2. Claims _____ have been canceled in the present reexamination proceeding.
3. Claims 2-8 and 12-19 are patentable and/or confirmed.
4. Claims 1, 9-11, and 20-25 are rejected.
5. Claims _____ are objected to.
6. The drawings, filed on _____ are acceptable.
7. The proposed drawing correction, filed on _____ has been (7a) approved (7b) disapproved.
8. Acknowledgment is made of the priority claim under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some* c) None of the certified copies have

- 1 been received.
- 2 not been received.
- 3 been filed in Application No. _____.
- 4 been filed in reexamination Control No. _____.
- 5 been received by the International Bureau in PCT application No. _____.

* See the attached detailed Office action for a list of the certified copies not received.

9. Since the proceeding appears to be in condition for issuance of an *ex parte* reexamination certificate except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte* Quayle, 1935 C.D. 11, 453 O.G. 213.
10. Other: _____

cc: Requester (if third party requester)

U.S. Patent and Trademark Office

PTOL-466 (Rev. 04-01)

Office Action in Ex Parte Reexamination

Part of Paper No. 20050125

Application/Control Number: 90/007,093
Art Unit: 2163

Page 2

Detailed Action

1. This action is responsive to communications: Re-exam filed on 06/18/04.

Pending claims are 1-25.

Allowable Subject Matter

2. Claims 2-8 and 12-19, are confirmed.
3. The following is a statement of reasons for the indication of allowable subject matter:

As per claims 2 and 12-13, The prior art of record fails to teach and /or suggest "generating first examination results from first version . . . generating second examination results from second version information . . . generating a preferred version from the first work-space element and from the copy based on the first and second examination results . . .", combined with wherein the second store is on a global server outside the firewall protected by a global firewall.

As per claims 3-5 and 14-16, the prior art of record fails to teach and/or suggest "generating first examination results from first version . . . generating second examination results from second version information . . . generating a preferred version from the first work-space element and from the copy based on the first and second examination results . . .", combined with the first and second version information includes the date and time the first workspace element was last modified.

As per claims 6-7 and 17-18 The prior art of record fails to teach and/or suggest "generating first examination results from first version . . . generating second

Application/Control Number: 90/007,093
 Art Unit: 2163

Page 3

examination results from second version information . . . generating a preferred version from the first work-space element and from the copy based on the first and second examination results . . .", combined with "before generating the first examination results, the step of updating the first version information whenever the first works pace element is modified."

As per claims 8 and 19, the prior art of record fails to teach and/or suggest "generating first examination results from first version . . . generating second examination results from second version information . . . generating a preferred version from the first work-space element and from the copy based on the first and second examination results . . .", combined with "wherein if only one of the first workspace element and the copy has been modified, then the step of generating includes selecting the one as the preferred version."

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 1, 9-11 and 20-25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wright, US# 5,857,201, in view of Hawkins, US# 6,006,274.

As per claims 1, Wright teaches "generating first examination results from first version information which indicates whether a first workspace element stored" (see col.

Application/Control Number: 90/007,093
Art Unit: 2163

Page 4

11, lines 2-30, whereas Wright's determinations of versions is equivalent to applicant's claims language of "results from version information . . .") "generating second examination results from second version information which indicates whether an independently-modifiable copy of the first workspace element has been modified, the copy being stored" (see col. 11, lines 2-26, whereas Wright's teachings of the checking of profiles combined with client applications versioning element teaches applicant's claim language above) "generating a preferred version from the first workspace element and from the copy based on the first and second examination results" (see col. 11, lines 35) "storing the preferred version at the first store and at the second store" (see col. 11, lines 6-33). Wright does not explicitly teach "initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied" -- Wright's enterprise computer environment clearly included a firewall element for security reasons, but does not explicitly teach a firewall element in a manner illustrated in applicant's claim language. Hawkins teaches "initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied" (see col. 10, lines 44-63, whereas Hawkins firewall element teach applicant's claim language involving the use various firewalls for security reasons and based on a criteria . . . therefore the teachings are synonymous). It would have been obvious at the time of the invention for one ordinary skill in the art to have combined the teachings of Wright and Hawkins, because using the steps of "initiating steps (a) and (b) from within the firewall when predetermined criteria have been satisfied" would have given those skilled in the art tools to provide an added

Application/Control Number: 90/007,093
Art Unit: 2163

Page 5

security measure, via a firewall, to network. This gives users the advantage of protecting the integrity of data in a network environment more efficiently.

As per claim 9, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

As per claims 10-11, these claims are rejected on grounds corresponding to the arguments given above for rejected claim and are similarly rejected including the following:

--Wright teaches "a general synchronization module . . . for examining first version information to determine whether a first workspace element has been modified" (see col. 11, lines 6-34) "a synchronization agent for operating outside the first firewall and for forwarding to the general synchronization module second version information which indicates whether an independently modifiable copy of first workspace element has been modified" (see col. 5, lines 30-59 and col. 11, lines 6-67) "a synchronization - start module . . . agent when predetermined criteria have been satisfied" (see col. 5, lines 46-64 and col. 11, lines 1-28).

As per claim 20, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

As per claims 21-22, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected.

As per claims 23-24, these claims are rejected on grounds corresponding to the arguments given above for rejected claim 1 and are similarly rejected including the following:

Application/Control Number: 90/007,093
Art Unit: 2163

Page 6

--Wright teaches storing both the first workspace element and the copy at the first store and at the second store" (see col. 11, lines 10-24 and 30-50).

As per claim 25, this claim is rejected on grounds corresponding to the arguments given above for rejected claim 1 and is similarly rejected including the following:

--Wright teaches "a global server . . ." (see col. 6, lines 23-44) "memory for storing second workspace data . . ." (see col. 11, lines 2-34).

Response to Arguments

6. Applicant's arguments with respect to claims 1, 9-11, and 20-25 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. ART CITED BY PATENT OWNER DURING PROSECUTION

Where art is submitted in a prior art citation under 37 CFR 1.501 and/or 37 CFR 1.555 (an IDS filed in a reexamination is construed as a prior art citation) and the submission is not accompanied by a statement similar to that of 37 CFR 1.97(e), the examiner may use the art submitted and make the next Office action final whether or not the claims have been amended, provided that no other new ground of rejection is introduced by the examiner based on the new art not cited in the prior art citation. See MPEP § 706.07(a). [MPEP 2271]

Application/Control Number: 90/007,093
Art Unit: 2163

Page 7

8. THIS ACTION IS MADE FINAL.

A shortened statutory period for response to this action is set to expire 2 from the mailing date of this action.

Extensions of time under 37 CFR 1.136(a) do not apply in reexamination proceedings. The provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Further, in 35 U.S.C. 305 and in 37 CFR 1.550(a), it is required that reexamination proceedings "will be conducted with special dispatch within the Office."

Extensions of time in reexamination proceedings are provided for in 37 CFR 1.550(c). A request for extension of time must be filed on or before the day on which a response to this action is due. The mere filing of a request will not effect any extension of time. An extension of time will be granted only for sufficient cause, and for a reasonable time specified.

--The filing of a timely first response to this final rejection will be construed as including a request to extend the shortened statutory period for an additional month, which will be granted even if previous extensions have been granted. In no event however, will the statutory period for response expire later than SIX MONTHS from the mailing date of the final action. See MPEP § 2265.

--Extensions of time under 37 CFR 1.136(a) will not be permitted in these proceedings because the provisions of 37 CFR 1.136 apply only to "an applicant" and not to parties in a reexamination proceeding. Additionally, 35 U.S.C. 305 requires that reexamination proceedings "will be conducted with special dispatch" (37 CFR 1.550(a)).

Application/Control Number: 90/007,093
Art Unit: 2163

Page 8

Extension of time in *ex parte* reexamination proceedings are provided for in 37 CFR 1.550(c).

--The patent owner is reminded of the continuing responsibility under 37 CFR 1.565(a) to apprise the Office of any litigation activity, or other prior or concurrent proceeding, involving Patent No. 6,085,192 throughout the course of this reexamination proceeding. The third party requester is also reminded of the ability to similarly apprise the Office of any such activity or proceeding throughout the course of this reexamination proceeding. See MPEP §§ 2207, 2282 and 2286.

--A shortened statutory period for response to this action is set to expire 2 month(s) from the mailing date of this letter. Failure to respond within the period for response will result in termination of the proceeding and issuance of an *ex parte* reexamination certificate in accordance with this action. 37 CFR 1.550(d).

EXTENSIONS OF TIME ARE GOVERNED BY 37 CFR 1.550(C) . If the period for response specified above is less than thirty (30) days, a response within the statutory minimum of thirty (30) days will be considered timely.

--Any inquiry concerning this communication or earlier communications from the examiner should be directed to Alford W. Kindred whose telephone number is 571-272-4037. The examiner can normally be reached on Mon-Fri 9:00 am- 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Safet Metjahic can be reached on (571) 272-4023. The fax phone number for the Central Reexamination unit is assigned is 571-273-0100.

Application/Control Number: 90/007,093
Art Unit: 2163

Page 9

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Alford W. Kindred
Patent Examiner
Tech Ctr. 2100



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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet

1

of

16

COPY**Complete if Known**

Application Number	90/007,093
Filing Date	06/18/2004
First Named Inventor	6085192
Art Unit	2163
Examiner Name	Alford W. Kindred
Attorney Docket Number	25587-033-005 RE

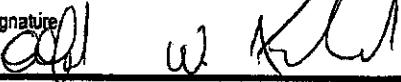
U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
AJW	A1	US-4652698	03-24-1987	Hale et al.	
	B1	US-4714995	12-22-1987	Materna et al.	
	C1	US-4882752	11-21-1989	Lindman et al.	
	D1	US-4897781	01-30-1990	Chang et al.	
	E1	US-4916738	04-10-1990	Chandra et al.	
	F1	US-5048085	09-10-1991	Abraham et al.	
	G1	US-5150407	09-22-1992	Chan	
	H1	US-5220603	06-15-1993	Parker	
	J1	US-5265159	11-23-1993	Kung	
	K1	US-5333266	07-26-1994	Boaz et al.	
	L1	US-5373559	12-13-1994	Kaufman et al.	
	M1	US-5388255	02-07-1995	Pytlak	
	N1	US-5392390	02-21-1995	Crozier	
	O1	US-5420927	05-30-1995	Micali	
	P1	US-5425102	06-13-1995	Moy	
	Q1	US-5434918	07-18-1995	Kung et al.	
	R1	US-5483596	01-09-1996	Rosenow et al.	
AJW	S1	US-5491752	02-13-1996	Kaufman et al.	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ³
		Country Code ⁴ Number ⁴ -Kind Code ⁵ (if known)				
AJW	T1	CA 2191505	06-30-1997	Jones		
	U1	WO 97/24678	07-10-1997	Tso		
	V1	CA 2210763	01-17-1999	Kou		
	W1	EP 0801478	10-15-1997	Matyas et al.		
AJW	X1	WO 97/04389	02-06-1997	Collins et al.		

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Substitute for form 1449A/PTO				Complete if Known	
INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,093
Sheet	2	of	16	Filing Date	06/18/2004
				First Named Inventor	6085192
				Art Unit	2163
				Examiner Name	Alford W. Kindred
				Attorney Docket Number	25587-033-005 RE

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Au	A2	US-5495533	02-27-1996	Linehan et al.	
	B2	US-5510777	04-23-1996	Pilc et al.	
	C2	US-5544320	08-06-1996	Konrad	
	D2	US-5544322	05-09-1994	Cheng et al.	
	E2	US-5572643	11-05-1996	Judson	
	F2	US-5588132	12-24-1996	Cardoza	
	G2	US-5604788	02-18-1997	Tett	
	H2	US-5623601	04-22-1997	Vu	
	J2	US-5627997	05-06-1997	Bray et al.	
	K2	US-5632011	05-20-1997	Landfield et al.	
	L2	US-5634053	05-27-1997	Noble et al.	
	M2	US-5644354	07-01-1997	Thompson et al.	
	N2	US-5647002	07-08-1997	Brunson	
	O2	US-5652884	07-29-1997	Palevich	
	P2	US-5657390	08-12-1997	Elgamal et al.	
	Q2	US-5664207	09-02-1997	Crumpler et al.	
	R2	US-5666530	09-09-1997	Clark et al.	
Au	S2	US-5675782	10-07-1997	Montague et al.	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Au	T2	WO 97/35265	09-25-1997	Lim et al.	
	U2	WO 99/05620	02-04-1999	Mendez	
	V2	WO 99/45451	09-10-1999	Halim et al.	
	W2	JP 02000003314	01-07-2000	Oda	
Au	X2	EP 0820028	01-21-1998	Anupam et al.	

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	90/007,093
(Use as many sheets as necessary)				Filing Date	06/18/2004
Sheet	3	of	16	First Named Inventor	6085192
				Art Unit	2163
				Examiner Name	Alford W. Kindred
				Attorney Docket Number	25587-033-005 RE

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Dw	A3	US-5678039	10-14-1997	Hinks et al.	
	B3	US-5680542	10-21-1997	Mulchandani	
	C3	US-5682478	10-28-1997	Watson et al.	
	D3	US-5684984	11-04-1997	Jones et al.	
	E3	US-5684951	11-04-1997	Goldman et al.	
	F3	US-5687322	11-11-1997	Deaton	
	G3	US-5701400	12-23-1997	Amado	
	H3	US-5710922	01-20-1998	Alley et al.	
	J3	US-5713019	01-27-1998	Keaten	
	K3	US-5717925	02-10-1998	Harper et al.	
	L3	US-5721779	02-24-1998	Funk	
	M3	US-5727202	03-10-1998	Kucala	
	N3	US-5729735	03-17-1998	Meyering	
	O3	US-5742668	04-21-1998	Pepe et al.	
	P3	US-5752059	05-12-1998	Holleran et al.	
	Q3	US-5752246	05-12-1998	Rogers et al.	
	R3	US-5754830	05-19-1998	Butts et al.	
Dw	S3	US-5758150	05-26-1998	Bell et al.	

FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Dw	T3	WO 96/17306	06-06-1996	Laursen et al.	
	U3	WO 00/22543	04-20-2000	Hong	
	V3	PCT 2002/0174372	11-21-2002	Venkataraman	
Dw	W3	PCT 2002/0138599	09-26-2002	Dilman et al.	

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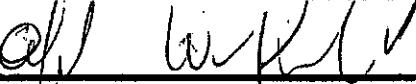
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(Use as many sheets as necessary)				Filing Date	06/18/2004
Sheet	4	of	16	First Named Inventor	6085192
				Art Unit	2163
				Examiner Name	Alford W. Kindred
				Attorney Docket Number	25567-033-005 RE

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
W	A4	US-5758354	05-26-1998	Huang et al.	
	B4	US-5758355	05-26-1998	Buchanan	
	C4	US-5764902	06-09-1998	Rothrock	
	D4	US-5765171	06-09-1998	Gehani et al.	
	E4	US-5768510	06-16-1998	Gish	
	F4	US-5706427	06-27-1996	Tabuki	
	G4	US-5784463	07-21-1998	Chen et al.	
	H4	US-5784464	07-21-1998	Akiyama et al.	
	J4	US-5787172	07-28-1998	Arnold	
	K4	US-5790974	08-04-1998	Tognazzini	
	L4	US-5794252	08-11-1998	Mosher	
	M4	US-5799086	08-25-1998	Sudia	
	N4	US-5802530	09-01-1998	Van Hoff	
	O4	US-5812398	09-22-1998	Nielsen	
	P4	US-5812668	09-22-1998	Weber	
	Q4	US-5812773	09-22-1998	Norin	
	R4	US-5815683	09-29-1998	Vogler	
	S4	US-5818935	10-06-1998	Maa	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear

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STATEMENT BY APPLICANT

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Application Number	90/007,093
Filing Date	06/18/2004
First Named Inventor	6085192
Art Unit	2163
Examiner Name	Alford W. Kindred
Attorney Docket Number	25587-033-005 RE

Sheet 5 of 16

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code ² (if known)			
	A5	US-5828840	10-27-1998	Cowan et al.	
	B5	US-5832483	11-03-1998	Barker	
	C5	US-5835087	11-10-1998	Herz et al.	
	D5	US-5835601	11-10-1998	Shimbo et al.	
	E5	US-5845282	12-01-1998	Alley et al.	
	F5	US-5862325	01-19-1999	Reed et al.	
	G5	US-5862346	01-19-1999	Kley et al.	
	H5	US-5870544	02-09-1999	Curtis	
	J5	US-5870759	02-09-1999	Bauer et al.	
	K5	US-5870765	02-09-1999	Bauer et al.	
	L5	US-5878230	03-02-1999	Weber et al.	
	M5	US-5909689	06-01-1999	Van Ryzin	
	N5	US-5924103	07-13-1999	Ahmed et al.	
	O5	US-5928329	07-27-1999	Clark et al.	
	P5	US-5943676	08-24-1999	Boothby	
	Q5	US-5951652	09-14-1999	Ingrassia Jr. et al.	
	R5	US-5961590	10-05-1999	Mendez et al.	
	S5	US-5966714	10-12-1999	Huang et al.	

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		Country Code ³ Number ⁴ -Kind Code ⁵ (if known)				

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Sheet 6 of 16 Attorney Docket Number 25587-033-005 RE

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Application Number	90/007,093
Filing Date	06/18/2004
First Named Inventor	6085192
Art Unit	2163
Examiner Name	Alford W. Kindred

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ^{2 (if known)}	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Ale	A6	US-5968131	10-19-1999	Mendez et al.	
	B6	US-5974238	10-26-1999	Chase, Jr.	
	C6	US-5982898	11-09-1999	Hsu et al.	
	D6	US-5987609	11-16-1999	Hasebe	
	E6	US-5999932	12-07-1999	Paul	
	F6	US-5999947	12-07-1999	Zollinger et al.	
	G6	US-6006017	12-21-1999	Joshi et al.	
	H6	US-6020885	02-01-2000	Honda	
	J6	US-6021427	02-01-2000	Spagna et al.	
	K6	US-6023700	02-08-2000	Owens et al.	
	L6	US-6023708	02-08-2000	Mendez et al.	
	M6	US-6034621	03-07-2000	Kaufman	
	N6	US-6052735	04-18-2000	Ulrich et al.	
	O6	US-6073165	06-06-2000	Narasimhan et al.	
	P6	US-6094477	07-25-2000	Nada et al.	
	Q6	US-6125281	07-25-2000	Wells et al.	
	R6	US-6108691	08-22-2000	Lee et al	
Alford	S6	US-6108709	08-22-2000	Shinomura et al.	

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

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Sheet

7

of

16

Complete if Known

Application Number	90/007,093
Filing Date	06/18/2004
First Named Inventor	6085192
Art Unit	2163
Examiner Name	Alford W. Kindred
Attorney Docket Number	25587-033-005 RE

U.S. PATENT DOCUMENTS

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<i>Alford</i>	A7	US-6118856	09-12-2000	Paarsmarkt et al.	
	B7	US-6131116	10-10-2000	Riggins et al.	
	C7	US-6131096	10-10-2000	Ng et al.	
	D7	US-6138146	10-24-2000	Moon et al.	
	E7	US-6151606	11-21-2000	Mendez	
	F7	US-6154844	11-28-2000	Touboul et al.	
	G7	US-6169986	01-02-2001	Bowman et al.	
	H7	US-6182118	01-30-2001	Finney et al.	
	J7	US-6212529	04-03-2001	Boothby et al.	
	K7	US-6249805	06-19-2001	Fleming	
	L7	US-6295541	09-25-2001	Bodnar et al.	
	M7	US-6304881	10-16-2001	Halim et al.	
	N7	US-6311186	10-30-2001	Melampy et al.	
	O7	US-6324542	11-27-2001	Wright, Jr. et al.	
	P7	US-6334140	12-25-2001	Kawamata	
	Q7	US-6343313	01-29-2002	Salesky et al.	
<i>✓</i>	R7 <i>✓</i>	US-6389455	05-14-2002	Fuisz	
<i>Alford</i>	S7	US-6438583	08-20-2002	McDowell et al.	

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Examiner Initials*	Cite No. ¹	Foreign Patent Document Country Code ³ Number ⁴ -Kind Code ⁵ (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶

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*Alford W. Kindred*Date
Considered

5/22/05

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INFORMATION DISCLOSURE
STATEMENT BY APPLICANT

(Use as many sheets as necessary)

Sheet 8 of 16 Attorney Docket Number 25587-033-005 RE

Complete if Known

Application Number	90/007,093
Filing Date	06/18/2004
First Named Inventor	6085192
Art Unit	2163
Examiner Name	Alford W. Kindred

Alford W. Kindred

25587-033-005 RE

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Document Number Number-Kind Code ² (if known)	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
Paul	A8	US-6446090	09-03-2002	Hart	
	B8	US-6477545	11-05-2002	LaRue	
	C8	US-6510455	01-21-2003	Chen et al.	
	D8	US-6564218	05-13-2003	Roth	
U	E8	US-6631416	10-07-2003	Bendinelli et al.	
Am	F8	US-6697942	02-24-2004	L'Heureux et al.	
	G8				
	H8				
	J8				
	K8				
	L8				
	M8				
	N8				
	O8				
	P8				
	Q8				
	R8				
	S8				

FOREIGN PATENT DOCUMENTS

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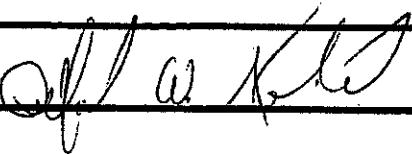
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT <i>(Use as many sheets as necessary)</i>				Application Number	90/007,093
Sheet	9	of	16	Filing Date	06/18/2004
				First Named Inventor	6085192
				Art Unit	2163
				Examiner Name	Alford W. Kindred
				Attorney Docket Number	25587-033-005 RE
NON PATENT LITERATURE DOCUMENTS					
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<i>Alf</i>	A9	Radosevich, Linda, "Users want unified mail directories," Computerworld, August 30, 1993, p. 12			
	B9	Bruno, Charles, "Firm pushes E-mail limits beyond rivals'," Network World, August 12, 1991, pp. 33, 53			
	C9	Sliwa, Carol and Cole, Barb, "MESA declares a groupware detente," Network World, August 5, 1996, p. 29			
	D9	Grosse, Eric, "Repository Mirroring," ACM Transactions on Mathematical Software, Vol. 21, No. 1, March, 1995, pp. 89-97			
	E9	Schilit, Bill N. and Theimer, Marvin M., "Disseminating Active Map Information to Mobile Hosts," IEEE Network, September/October 1994, pp. 22-32			
	F9	Levy, Eliezer and Silberschatz, Abraham, "Distributed File Systems: Concepts and Examples," ACM Computing Surveys, Vol. 22, No. 4, December 1990, pp. 321-74			
	G9	Rymer, John R., "The Muddle in the Middle," Byte, April 1996, pp. 67-70			
	H9	Baum, David, "Intranet Politics and Technologies," Byte, May 1997, pp. 88A-88H			
<i>J</i>	J9	Udell, Jon, "Push Me, Pull You," Byte, September 1996, pp. 117-120			
<i>Alf</i>	K9	Kador, John, "The Ultimate Middleware," Byte, April 1996, pp. 79-83			
Examiner Signature 			Date Considered	5/22/05	

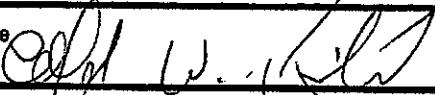
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				Filing Date	06/18/2004
				First Named Inventor	6085192
				Art Unit	2163
				Examiner Name	Alford W. Kindred
Sheet	10	of	16	Attorney Docket Number	25587-033-005 RE

NON PATENT LITERATURE DOCUMENTS		
Examiner Initials*	Cite No.*	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city
Alex	A10	Brown, Mark, "Using Netscape 2," Que Corporation, 1995, pp. 885-907
	B10	Kramer, Douglas, "The Java Platform," Javasoft, May 1996, pp. 1-25
	C10	Package java.applet; java.net, http://www-nrg.ee.lbl.gov/j4/apibook/javaf.htm , javam.htm , 4/22/96
	D10	Servlet Tutorial, http://mech.postech.ac.kr/Java/java.sun.com/products/jeeves/current_release/doc/servlet_tutorial/servlet_tutorial.html
	E10	Freier et al., entitled "The SSL Protocol, Version 3.0," Netscape Communications, dated November 18, 1996, pages 1-59, Downloaded from URL= http://www.home.netscape.com/eng/ss13/draft302.txt
	F10	Java Servlet Application Programming Interface White Paper, http://mech.postech.ac.kr/Java/java.sun.com/products/jeeves/CurrentRelease/doc/api.html , August 1996, pp. 1-6
	G10	Singhal, M., "Update transport: A new technique for update synchronization in replicated database systems," IEEE Transactions on Software Engineering, Vol. 16, No. 12, December 1990, pp 1325-1336
	H10	Rao, H. & Skarra, A., "A transparent service for synchronized replication across loosely-connected file systems," IEEE Transactions on Software Engineering, April 1995, pp 110-117
	J10	Crispin, M., "Internet Message Access Protocol - RFC 1730 Version 4," December 1994, pp 1-52, http://www.faqs.org/rfcs/rfc1730.html
Alex	K10	Rao, Venkat & Aline, Mary, "Burrowing through firewalls," December 1996, pp 1-5, http://java.sun.com/developer/technicalArticles/InnerWorkings/Burrowing/

Examiner Signature		Date Considered	5/23/05
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT				Application Number	90/007,093
				Filing Date	06/18/2004
				First Named Inventor	6085192
				Art Unit	2163
				Examiner Name	Alford W. Kindred
Sheet	11	of	16	Attorney Docket Number	25587-033-005 RE

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city	
<i>Alf</i>	A11	Brown, Margaret J., "The Visto Briefcase Pro Puts Your PIM On The Internet," August 13, 1998, 1 page, URL: http://www.zdnet.com/zdnn/stories/zdnn_display/0,3440,341892,00.html	
	B11	Tanenbaum, Andrew, "Computer Networks," Third Edition, Prentice-Hall, 1996, see entire document.	
	C11	Knudsen, Jonathan, "Java Cryptography," O'Reilly, 1998, p. 79-91, 112, 160.	
	D11	Verisign Press Release, "Verisign Enhances Digital IDS to Enable Universal Website Login and One-step Registration," < www.verisign.com/press/product/isv.html >, especially 2nd paragraph.	
	E11	Crispin, M., "IMAP4 Compatibility With IMAP2BIS", Network Working Group RFC 2061, December 1996, XP002154026, <URL: http://www.ietf.org/rfc2061 >, retrieved 2000-11-28, page 1, last paragraph	
	F11	"Configuration of a wireless-connected mobile computer," IBM Technical Disclosure Bulletin, US, IBM Corp., New York, vol. 38, no. 4, April 1, 1995, pp. 15-17, XP000516057, ISSN: 0018-8689, the whole document	
	G11	Mason, Justin, "Tunneling over HTTP," December 11, 1996, pp 1-2 http://www.netsys.com/firewalls/firewalls-9612/0488.html	
	H11	Elgamal, Taher, "The Secure Sockets Layer Protocol (SSL)," agenda for the Danvers IETF meeting, April 1995, pp 1-5 - http://www.ietf.cnri.reston.va.us/proceedings/95apr/sec/cat.elgamal.slides.html	
	J11	Gray, Terry, "Message Access Paradigms and Protocols," revised September 28, 1995, pp 1-11 http://www imap.org/imap.vs.pop.html	
<i>Alf</i>	K11	Ouellette, Tim, "Data for everyone, bills for none?," Computerworld, March 17, 1997, pp. 43, 46	

Examiner Signature	<i>Alf W. Kindred</i>	Date Considered	<i>5/23/05</i>
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				Filing Date	06/18/2004
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				Art Unit	2163
				Examiner Name	Alford W. Kindred
Sheet	12	of	16	Attorney Docket Number	25587-033-005 RE

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<i>Allen</i>	A12	Research Disclosure: "Provide Auto-Forwarding Based On Criteria Selected by the User"; October 1, 1989; 1 page; No. 306; Kenneth Mason Publications; XP000085405; ISSN 0374-4353	
	B12	Chan, M.C. et al., "Application of Compaction Technique to Optimizing Wireless Email Transfer," IEEE Wireless Communications and Networking Conference 1999, p. 1535 Section A	
	C12	Crispin, M., "Internet Message Access Protocol Version 4rev1," 1996 Section 2.3.1.1	
	D12	Jaeger and Prakash, "Implementation of a Discretionary Access Control Model for Script-based Systems," IEEE June 1995	
	E12	Adams, Charlotte, "Multilevel Secure Networking Charges Ahead," Federal Computer Week, April 12, 1993	
	F12	Kohi, John, "The Evolution of the Kerberos Authentication Service," 1991	
	G12	Young et al., "Deniable Password Snatching: On the Possibility of Evasive Electronic Espionage," 1997, IEEE, pp. 224-35	
	H12	Abel, Amee, "E-mail anywhere," May 1998, Time, pp. 1-4	
<i>Allen</i>	J12	Gray, Emmett, "FETCH-O-MATIC by Emmett Gray," http://www.filmscouts.com/software/fomguide.asp , Version 2.5, 2001	
<i>Allen</i>	K12	Satyanarayanan, M., "Integrating Security in a Large Distributed System," ACM Transactions on Computer Systems, Vol. 7, No. 3, August 1989, pp. 247-80.	

Examiner Signature	Date Considered
<i>Alford W. Kindred</i>	5/23/05

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				Attorney Docket Number	25587-033-005 RE

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<i>Aud</i>	A13	Kistler, James J. and Satyanarayanan, M., "Disconnected Operation in the Coda File System," ACM Transactions on Computer Systems, Vol. 10, No. 1, February 1992, pp. 3-25.	
	B13	Hills, Alex and Johnson, David B., "Wireless Data Network Infrastructure at Carnegie Mellon University," IEEE Personal Communications, 3(1), February 1996.	
	C13	Satyanarayanan, Mahadev, "Mobile Information Access," IEEE Personal Communications, February 1996, pp. 26-33.	
	D13	Satyanarayanan, Mahadev et al., "Coda: A Highly Available File System for a Distributed Workstation Environment," IEEE Transactions on Computers, Vol. 39, No. 4, April 1990, pp. 447-59.	
	E13	Satyanarayanan, Mahadev, "Scalable, Secure, and Highly Available Distributed File Access," Computer, May 1990, pp. 9-21.	
	F13	Mummert, Lily B. et al., "Exploiting Weak Connectivity for Mobile File Access," SIGOPS '95, December 1995, pp. 143-55.	
	G13	Terry, Douglas B. et al., "Managing Update Conflicts in Bayou, a Weakly Connected Replicated Storage System," SIGOPS '95, December 1995, pp. 172-183.	
	H13	Demers, Alan et al., "The Bayou Architecture: Support for Data Sharing among Mobile Users," Proceedings of the Workshop on Mobile Computing Systems and Applications, Santa Cruz, California, December 1994, pages 2-7.	
	J13	Petersen, Karin et al., "Bayou: Replicated Database Services for World-wide Applications," Proceedings Seventh ACM SIGOPS European Workshop (EuroSIGOPS '96), Connemara, Ireland, September 1996, pages 275-280.	
<i>Aud</i>	K13	Crocker, David H., "RFC822: Standard for ARPA Internet Text Messages," http://www.w3.org/Protocols/rfc822/	

Examiner Signature	<i>Alford W. Kindred</i>	Date Considered	<i>5/23/05</i>
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Sheet

14

of

16

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Application Number	90/007,093
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<i>Alf</i>	A14	Theisen, Tim, "AFS distributed filesystem FAQ (1/2)," posted to uwisc.general newsgroup, July 25, 1994.	
	B14	Theisen, Tim, "AFS distributed filesystem FAQ (2/2)," posted to uwisc.general newsgroup, July 25, 1994.	
	C14	Schubert, Eric, "Re: telnet/internet and ...," posted to comp.sys.hp.mpe newsgroup, June 30, 1995.	
	D14	Glazman, Daniel, "SOFTWARE: HHTPtool [sic] 1.1, a file transfer utility over HTTP using PUT and GET," posted to comp.infosystems.www.announce newsgroup, May 17, 1995.	
	E14	Glazman, Daniel, "SOFTWARE: HTTPtool v1.0 for Windows3.x, file transfer utility over HTTP," posted to comp.infosystems.www.announce newsgroup, March 21, 1996.	
	F14	Angus, Jeffrey G., "Sales force automation has a GoldMine," Computerworld, October 7, 1996, p. 59	
	G14	Salamone, Salvatore, "Middle(ware) Management," Byte, April 1996, pp. 71-76	
	H14	Nance, Barry, "Balance the Load with Transaction Server," Byte, June 1997, pp. 81-84	
	J14	Francett, Barbara, "Replication on the Run," Software Magazine, August 1996, pp. 63-66	
	K14	Darling, Charles B., EDA/SQL Loses a Little and Gains a Lot," Datamation, May 1, 1996, p. 12	
	L14	Varney, Sarah E., "Arm your salesforce with the Web," Datamation, October 1996, pp. 72-74	
	M14	Fulcher, Jim, "Is it or isn't it?," Manufacturing Systems, October 1996, pp. 56-61	
	N14	Lamb, John and Cusato, Tony, "LAN-Based Office for the Enterprise, A Case Study," Proceedings, 19th Conference on Local Computer Networks, Minneapolis, Minnesota, October 2-5, 1994, pp. 440-447	
<i>Alf</i>	O14	Kawell Jr., Leonard et al., "Replicated Document Management in A Group Communication System," presented at the Second Conference on Computer-Supported Cooperative Work, Portland, Oregon, September 26-28, 1988, as printed in Groupware: Software for Computer-Supported Cooperative Work, IEEE Computer Society Press, pp. 226-235	

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